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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 RUDOLPH LANGE, )

10 Plaintiff, )

11 v. )

12 JOHN DEROUSSE, )

13 Defendant. )  
\_\_\_\_\_)

CASE NO. C08-1444-JCC-JPD

ORDER DENYING PLAINTIFF'S  
MOTIONS TO STAY PROCEEDINGS  
AND TO APPOINT COUNSEL

14 This is a civil rights action brought under 42 U.S.C. § 1983. Currently pending before this  
15 Court are plaintiff's motions to stay proceedings and to appoint counsel. The Court, having reviewed  
16 plaintiff's motions, defendant's responses thereto, and the balance of the record, does hereby find and  
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18 ORDER:

19 (1) Plaintiff's motion to stay proceedings (Dkt. No. 18) is DENIED. Plaintiff requests in  
20 his motion that these proceedings be stayed "for a reasonable amount of time" because he is currently  
21 housed in the administrative segregation unit at the Washington State Penitentiary ("WSP") and  
22 therefore does not have physical access to a law library or access to other inmates who might assist  
23 him with this litigation. However, the Court recently received from plaintiff a notice of change of  
24 address which appears to indicate that he is no longer incarcerated at WSP. As it appears plaintiff is  
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26 ORDER DENYING PLAINTIFF'S  
PENDING MOTIONS - 1

1 no longer subject to the restrictions he complains about in his motion to stay, the Court deems that  
2 motion moot.

3 (2) Plaintiff's motion for appointment of counsel (Dkt. No. 19) is DENIED. There is no  
4 right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under  
5 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the  
6 Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331  
7 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616  
8 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the  
9 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in  
10 light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

11  
12 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in  
13 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se. Thus,  
14 plaintiff has not demonstrated that this case involves exceptional circumstances that warrant  
15 appointment of counsel at the present time.

16 (3) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants, and to  
17 the Honorable John C. Coughenour.

18 DATED this 15th day of April, 2009.

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20 JAMES P. DONOHUE  
21 United States Magistrate Judge  
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